

December 10, 2008

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Meredith Huff, SPHR
Director's Review Investigator

SUBJECT: John Smeltz v. Washington State University (WSU)
Allocation Review Request ALLO-07-124

Director's Review Conference

Mr. John Smeltz requested a Director's Review of his position's allocation by submitting a Request for Director's Review form on December 26, 2007. On November 18, 2008, I conducted a Director's review conference by phone. Present by phone were John Smeltz; Sabrina McPherson, Human Resources Assistant and Kendra Wilkins-Fontenot, Senior Human Resources Consultant, representing WSU.

Director's Determination

As the Director's review investigator, I carefully considered all of the documentation in the file, the class specifications, and the information provided during the Director's review conference. Based on my review and analysis of Mr. Smeltz's assigned duties and responsibilities, I conclude his position is properly allocated to the class of Radiation Safety Technician 3.

Background

Mr. Smeltz requested a reallocation by submitting a completed and signed WSU Position Questionnaire (PQ) received by WSU Human Resources on October 2, 2007. (Exhibit WSU-1) Mr. Smeltz requested reallocation to Health Physicist 1 class. By letter dated Nov. 29, 2007, Rich Heath, Senior Associate Vice President for Business & Finance and Theresa Eliot-Cheslek, Associate Director of Human Resources Services, jointly issued an allocation determination indicating Mr. Smeltz's request for reallocation to the Health Physicist 1 class was denied. However, they found the review indicated his position should be reallocated from Radiation Safety Technician 2 to Radiation Safety Technician 3, effective October 2, 2007. (Exhibit WSU-7) On Dec. 26, 2007, Mr. Smeltz submitted a request for a Director's Review of WSU's decision. (Exhibit A) The time period for the review is the six months prior to October 2, 2007.

Summary of Mr. Smeltz's Comments

Mr. Smeltz confirmed that he works in the Radiation Safety Office and is responsible for the lab survey program and monitoring WSU radiation licensing, use, exposure, inventory, shipment and disposal as required by the State Department of Health. Mr. Smeltz emphasized he does not interact with his supervisor, Mr. Steve Eckberg, on a daily basis. He stated his supervisor does not provide a lot of oversight except for weekly meetings. Mr. Smeltz asserted that he is running the safety program on a day-to-day basis and is not told how to do that job. Mr. Smeltz affirmed he does bring problem situations, such as the discovery of radiation overexposure of a lab staff member, to the supervisor's

attention. Mr. Smeltz noted that he is responsible for monthly lab surveys for contaminated radioactive materials. He will spot check the labs using wipes and meter surveys. Any findings of contamination in a campus lab are recorded, a report is made and corrective action is taken by the lab staff. Mr. Smeltz also noted that he does bioassay of radiation users to determine the radionuclide concentrations in the body. He explained that he conducts urinalysis tests and vito thyroid tests to determine if individuals using the lab have been exposed to radiation. He confirmed he is the only staff person that does the urinalysis and thyroid tests. He also issues dosimetry badges and rings to lab personnel to record exposure; after use, those items are sent to the manufacture for analysis of exposure to radiation. He reports incidents of overexposure to the Mr. Eckberg, Radiation Safety Officer, and the Radiation Safety Committee. Mr. Smeltz talked about the radioactive materials and equipment inventory database that he maintains. He confirmed that every two years a physical inventory is completed of all campus radiation labs and facilities. Mr. Smeltz checks new orders of radioactive materials and equipment to ensure they were obtained with advance approval and he updates the database inventory records. Mr. Smeltz stated he drafts procedural policies for adoption by the Radiation Safety Committee and Mr. Eckberg's signature. He noted he provided WA State Department of Health and the US Nuclear Regulatory Commission inspectors with information and reports when they came to campus for inspections. Mr. Smeltz clarified he does not supervise or lead other employees.

Supervisors' Comments

On the PQ, Dr. Jean Cloran, Mr. Smeltz's supervisor, indicated that she provides supervision on a "spot-check basis only". She also attached a page of comments that included the following, in part:

"In comparing the list of responsibilities in item #1 of the Position Questionnaire to the most recent Job description. There is a change in "phraseology" that I think is inaccurate.

Job description statement – " RSO coordinator for personnel dosimetry, ..."

" RSO coordinator for...laboratory survey program"

Job questionnaire statement – "Maintain operation of the personnel dosimetry program"
Maintain operation of the lab survey program"

"... The Director of the Radiation Safety Office is the only designated Radiation Safety Officer for WSU. He 'maintains, by managerial and expenditure authority, all radiation safety activities of the RSO for WSU. By job description, the person in the position that Mr. Smeltz holds may 'coordinate' some of these activities of radiation safety, at the discretion and direction of the Radiation Safety Officer, but it is inaccurate to say that Mr. Smeltz '*maintains*' the operation."

Dr. Cloran referenced WAC 246-240-051 (2) as describing the Radiation Safety Officer's authority and responsibility for all radiation safety activities for WSU. (Exhibit WSU-1)

Steve Eckberg, Director of Radiation Safety Office, Mr. Smeltz's second level supervisor, attached comments to the PQ. He concurred with Dr. Cloran's comments and assessment of Mr. Smeltz's responsibilities. He further clarified the use of terms by stating:

" '*maintains*' programs (personnel dosimetry and laboratory surveys) should not be construed as independent unsupervised efforts on John's part. I work closely with John on these critical programs. . . ." Dr. Cloran and Mr. Eckberg complimented Mr. Smeltz on his professionalism, knowledge and experience. (Exhibit WSU-1)

Summary of WSU's Comments

In addressing Mr. Smeltz's request for reallocation to the Health Physicist 1 class, Mr. Heath and Ms. Eliot-Cheslek stated in the Nov. 29, 2007 letter, "*My review determined that Mr. Smeltz does not have*

oversight of WSU radiation safety program operations nor does he have the responsibility for conducting the full licensing pre-authorization evaluations of radiation laboratories.”

During the phone conference, Ms. Wilkins-Fontenot commented that John and four other employees work in similar positions. She indicated that there were no comparisons to work responsibilities in the past as there are no records of previous job descriptions. She pointed out that on the PQ submitted by John, the current supervisors made lengthy statements.

Ms. Wilkins-Fontenot reviewed the requirements of the Health Physicist 1 (HP1). She indicated that the Class Series Concept specified, “Perform professional assignments . . .”. She stated that the work Mr. Smeltz does is “technical” rather than “professional.” She maintained that in the HP1, there is less technical responsibility and it provides more oversight. Ms. Wilkins-Fontenot emphasized that the RST3 class is the best fit for Mr. Smeltz’s position.

Rationale for Director’s Determination

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held the following:

. . . because a current and accurate description of a position’s duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

Glossary of Classification Terms

In reviewing this position, I have considered the following terms. The Department of Personnel’s Glossary of Classification Terms defines these terms. The Glossary is found at <http://www.dop.wa.gov/HRProfessionals/Classification/>.

Nature of work – Refers to the basic types of work assignments performed by the class:

. . . **3. Professional** – Work (a) requires knowledge of an advanced type in a field of science or learning customarily obtained by a prolonged course of specialized instruction or study; or (b) is original and creative in character in a recognized field or artistic endeavor and the result of which depends on invention, imagination, or talent. Duties are predominately intellectual as distinguished from routine or mechanical. Discretion and independent judgment must be exercised in carrying out assignments.

4. Technical – Work requires specialized knowledge or skills which are gained through academic and/or vocational courses such as those offered in technical and community colleges, or equivalent on-the-job training.

5. Coordination – Duties performed involve independently organizing, monitoring, evaluating, and making adjustments for a program or activity without supervisory responsibility over program or activity participants.

Complexity of work – Refers to the scope, variety and difficulty of the duties, responsibilities and skills required in order to perform the work. Complexity may be categorized as follows:

- ... **2. Routine** – Involves the performance of several related and repetitive tasks, which require some judgment in respect to the rules, procedures, materials, or equipment that, will be used.

Coordinate – Independently organize, monitor, evaluate, and make adjustments for a program or activity without supervisory responsibility over program or activity participants.

Health Physicist 1 (HP1) class code 400E

Class Series Concept: Perform professional assignments related to the regulatory requirements at the institution to assure the safe use of radiation.

Definition: Under general supervision, maintain operation of a radiation safety program unit(s) such as laboratory surveys and inspections, personnel monitoring, waste collection and disposal, radioactive material inventory control, radiation instrument calibration, etc. Advise faculty and staff concerning compliance with radiation control regulations and conditions of the institution's license to use radioactive material.

Distinguishing Characteristics: First-level class of series. Conduct licensing pre-authorization evaluation and inspection of radiation laboratories, instruments and work practices to ensure compliance with campus, state and federal regulations on radiation safety.

The HP Class Series Concept states “Perform *professional* assignments”. As defined in the *Glossary*, professional work assignments would require knowledge gained through prolonged study in specialized instruction or be original and creative. Duties would be predominately intellectual rather than routine or mechanical. Discretion and independent judgment are exercised in completing assignments.

The HP1 Definition requires that an incumbent maintain operation of a radiation safety program unit and provides several examples of such units. Further, the HP1 class advises faculty and staff about radiation control regulations and conditions of the institution’s license to use radioactive material.

The Distinguishing Characteristics require an incumbent to conduct licensing, pre-authorization evaluation and inspection of radiation laboratories to ensure compliance with regulations on radiation safety.

Mr. Smeltz’s position does not meet the level of professional work, does not maintain operation of a radiation safety program unit and is not required to conduct licensing and pre-authorization evaluation at the level required by this class. The Radiation Safety Office is under the supervision of the Radiation Safety Officer, Mr. Steve Eckberg. Dr. Cloran states and Mr. Eckberg agrees on individual attachments to the PQ, that “*By job description, the person in the position that Mr. Smeltz holds may “coordinate” some of these activities of radiation safety, at the discretion and direction of the Radiation Safety Officer, but it is inaccurate to say that Mr. Smeltz “maintains” the operation.*” Mr. Smeltz and the other four staff members share general responsibilities for technical work in monitoring the use and control of radioactive materials. Overall, the Health Physicist 1 class is not the best fit for Mr. Smeltz’s position.

Radiation Safety Technician 3 class code 400K

Class Series Concept (Safety Technician 1, class code 400I): Monitor, survey and inspect campus radiation use areas as required by state and federal regulations. Provide service support in the control and management of radioactive materials and radioactive waste and calibration of radiation instruments. (Exhibit WSU-2)

Definition: Coordinate routine programs in support of radiation safety in research and clinical laboratories on campus.

Distinguishing Characteristics: Senior level class of series. Coordinate routine programs such as laboratory surveys and radiation source inventories to assure that program quality and schedules are maintained according to established protocol. (Underlines added)

Mr. Smeltz does monitor, survey and inspect campus radiation use areas, as well as provide service support in the control and management of radioactive materials and waste and calibration of instruments. Mr. Smeltz coordinates activities in support of radiation safety, such as scheduling inspection of the campus labs for contamination; issuing and collecting badges and rings to and from lab users; conducting inventories, monitoring purchases of materials and equipment and updating the inventory database; and doing urinalysis and vito thyroid testing. The nature of this work is *technical* rather than *professional*. In his tasks, Mr. Smeltz follows established protocol and the standard operating procedures established by the campus Radiation Safety Committee.

Mr. Smeltz's work responsibilities are encompassed within the scope and nature of the Class Series Concept, the Definition and the Distinguishing Characteristics of the Radiation Safety Technician 3 class and it is the best fit for the overall duties and responsibilities of Mr. Smeltz's position. Mr. Smeltz's position is properly allocated to the Radiation Safety Technician 3 class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

cc: John Smeltz
Kendra Wilkins-Fontenot, WSU
Lisa Skriletz, DOP

Enclosure: List of Exhibits

List of Exhibits

Employee Exhibits Filed December 26, 2007:

- A. Director's Review Request form.
- B. HR Allocation determination letter, November 29, 2007.
- C. Position Description, September 27, 2007.

WSU Exhibits Filed February 14, 2008:

- WSU-1 Position Questionnaire October 2, 2007
- WSU-2 Radiation Safety Technician 1, class code 400I
- WSU-3 Radiation Safety Technician 2, class code 400J
- WSU-4 Radiation Safety Technician 3, class code 400K
- WSU-5 Health Physicist 1, class code 400E
- WSU-6 Employees Position Summary October 2, 2007
- WSU-7 Results of Classification Review of Position 72678.

Employee Exhibits Filed February 14, 2008:

- E-1 RSC Application Process.
- E-2 RFS Data entries.
- E-3 RSO Radiation Survey form.
- E-4 Memorandum Re: building assignment / rotation proposal.
- E-5 Memorandum Re: contaminated radioactive materials laboratory.
- E-6 2006 Annual Report Data.
- E-7 Lab survey program policies.
- E-8 Lab survey program parameters email.
- E-9 Unity and Criticality checks SOP's.
- E-10 Requisition approval.
- E-11 T-scans and urinalysis program email.
- E-12 Monthly personnel monitoring reports and over exposures.
- E-13 Policies written for the personnel monitoring program.
- E-14 RSF Data entry and shipping request.
- E-15 Correspondence from HRS regarding classification audit Dec. 2007
- E-16 HP1 new position document/position description/radiation safety office "major job duties" description
- E-17 Center for Human Rights document used to fill one of two HP1 positions
- E-18 Emails, meeting minutes and memo (7pages)